

RECEIVED
CENTRAL FAX CENTER

OCT 11 2007

KRIEG · DEVAULT LLP

ATTORNEYS AT LAW

FAX COVER PAGE

DATE: October 11, 2007

PAGES INCLUDING THIS PAGE: 10

TO: Examiner Paul B. Prebille, Group Art Unit 3738
 COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300
 PHONE NUMBER:

FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333

FAX NUMBER: (317) 636-1507

RE: Response to Final Office Action for U.S. Patent Application No. 10/624,981 to Thomas Zdeblick et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

October 11, 2007
 (Date of Transmission)

Douglas A. Collier
 Name of Registered Representative

Douglas A. Collier
 Signature

Hard copy will be sent via: ☐ Regular Mail☐ Overnight Courier☒ Fax Communication Only

Name of Sender: Cheryl Kalugyer

Client Matter No.: 333 MSDI-1

WARNING CONFIDENTIALITY NOTICE

The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you.

For Questions or Problems in Transmission, Please Contact our Fax Operators

KRIEG DEVAULT LLP
 ONE INDIANA SQUARE
 SUITE 2800
 INDIANAPOLIS, IN 46204
 TELEPHONE-(317) 636-4341
 FAX-(317) 636-1507

KRIEG DEVAULT LLP
 12800 N MERIDIAN STREET
 SUITE 300
 CARMEL, IN 46032
 TELEPHONE-(317) 566-1110
 FAX-(317) 636-1507

KRIEG DEVAULT GALVIN
 LLP
 5231 HOHMAN STREET
 HAMMOND, IN 46320
 TELEPHONE-(219) 933-0380
 FAX-(219) 933-0471

KRIEG DEVAULT LUNDY
 LLP
 825 ANTHONY WAYNE
 BUILDING
 203 EAST BERRY STREET
 FT. WAYNE, IN 46802
 TELEPHONE-(260) 422-1534
 FAX-(260) 423-1590

KD_IM-1158454_1.DOC

OCT 11 2007

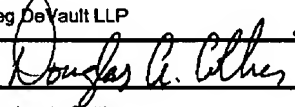
PTO/SB/21 (09-04)

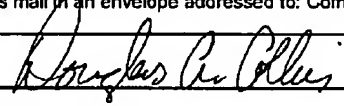
Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/624,981
	Filing Date	July 22, 2003
	First Named Inventor	Thomas A. Zdeblick et al.
	Art Unit	3738
	Examiner Name	Paul B. Prebilit
	Attorney Docket Number	MSDI-168/PC566.02
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Krieg DeVault LLP	
Signature		
Printed name	Douglas A. Collier	
Date	October 11, 2007	Reg. No. 43,556

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Douglas A. Collier
Date	October 11, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

OCT 11 2007

#1155491

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)	
application of:)	Before the Examiner:
Thomas A. Zdeblick et al.)	Paul B. Prebilic
)	
Serial No. 10/624,981)	Group Art Unit:
)	3738
Filed: July 22, 2003)	
)	October 11, 2007
SPINAL IMPLANTS AND TOOL FOR)	
INSERTION AND REVISION)	Atty Docket No. MSDI-168/PC566.02

RESPONSE TO FINAL OFFICE ACTION

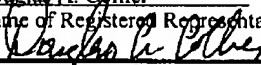
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed August 31, 2007, please consider the following. No fees or extensions of time are believed due for consideration of the enclosed. However, please provide any extensions of time which may be necessary and charge any fees due, or credit any overpayment, to Deposit Account 12-2424, but not including the payment of issue fees.

I hereby certify that this correspondence is
being facsimile transmitted to the United States
Patent and Trademark Office at 571-273-8300
on:

October 11, 2007
Date of Transmission

Douglas A. Collier
Name of Registered Representative

Signature

October 11, 2007
Date of Signature

Response to Final Office Action
Ser. No. 10/624,981
Atty Docket No. MSDI-168/PC566.02
Page 1 of 8